

ADDITIONAL FEE

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R E M A R K S

The Office Action issued November 16, 2006 has been received and its contents have been carefully considered.

The applicants wish to thank the Examiner in charge of this application, Mr. Ralph A. Lewis, for the courtesy and cooperation he extended during the telephone interviews with applicants' counsel kindly granted on May 2 and May 8, 2007.

During the interview on May 2, applicants' counsel proposed to direct the claims to a "kit of parts for constructing a distraction appliance" to overcome the Examiner's contention that a doctor or a medical supply company may "have both a Witzig device and a Testa device available in their inventory...". Applicants' proposed amendment to claim 1 would overcome this prior art situation since Witzig and Testa do not suggest assembling their various parts, in the manner taught by applicants, for use as a distraction appliance for the distraction of an interior mantibular bone segment.

Following the initial telephone interview, applicants' counsel transmitted a proposed amended claim 1 to the Examiner which recited "a kit of parts for constructing a distraction appliance...".

After reviewing this claim, the Examiner telephoned applicants' counsel on May 11, 2007 and suggested adding language to relate the first and second distractor modules together. The Examiner also suggested reciting the second distractor module with greater particularity, to indicate how the second module would apply pressure to the lower extremity of the bone segment.

In the embodiment of Fig. 1, this is accomplished by means for fixating the second module to both the bone segment and the intact chin bone. In the embodiment of Fig. 6, on the other hand, the second module (2) is connected with the first module (1) and also with the bone segment UKFS. In this way, the bone segment UKFS can be displaced by holding it with the second module (2) hinged on the first module (1).

Claim 1 has therefore been amended in a manner which encompasses both the embodiment of Fig. 1 and the embodiment of Fig. 6.

A new dependent claim 24 has been added to recite the second distractor module configuration in the embodiment of Fig. 1; namely, that this module "has means for fixating the same at a intact mandibular bone below the bone segment and means for applying distraction pressure to the lower extremity of the bone segment."

The provisional allowance of claims 10-15 and 18-23, subject to their being rewritten in independent form, is noted with appreciation. However, it is believed that claim 1, as now amended, distinguishes patentably over all of the references of record for the reasons discussed during the telephone interviews and reported above. Further, it is believed that applicants' remarks with respect to Witzig, Testa and Razdulsky et al. set forth in applicants' prior Amendment filed August 14, 2006 are now applicable to claim 1, as amended. By reciting a "kit of parts", applicants claim structure that may be assembled into a distraction appliance that distinguishes patentably over all of these references.

Accordingly, it is believed that this application is in condition for immediate allowance. A formal Notice of Allowance is therefore respectfully solicited.

Respectfully submitted,

By

  
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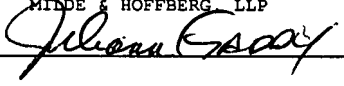
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on JUNE 12, 2007

MILDE & HOFFBERG, LLP

By



Date JUNE 12, 2007